

REMARKS

By this Amendment, claims 32, 34 and 37-41 are amended, and claims 42-43 are added. Claims 35-36 remain in the application. Thus, claims 32 and 34-43 are active in the application. Reexamination and reconsideration of the application are respectfully requested.

The first page of the specification has been amended herein in order to add a section entitled "Cross Reference to Related Applications" which describes that the present application claims foreign priority under 35 U.S.C. § 119 to Japanese Patent Application No. 1999-165939, filed on June 11, 1999.

A verified English language translation of the foreign priority document is submitted concurrently herewith under a separate cover letter in order to perfect the foreign priority date of June 11, 1999. The claims of the present application are fully supported by the foreign priority document. Accordingly, having perfected the foreign priority date, the Applicants respectfully submit that the present application is entitled to an effective filing date of June 11, 1999.

In item 5 on page 4 of the Office Action, claims 39-41 were rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which the Applicants regard as the invention.

Claims 39-41 have each been amended herein to more definitely recite each limitation therein in view of the recitation of a plurality of multimedia data and to provide proper antecedent basis for all of the recited limitations. Accordingly, in view of the amendments to claims 39-41, the Applicants respectfully request the Examiner to withdraw the rejection of claims 39-41 under 35 U.S.C. § 112, second paragraph.

In item 5 on page 2 of the Office Action, claims 32, 34 and 36-37 were rejected under 35 U.S.C. § 103(a) as being anticipated by Vallone et al. (U.S. 6,642,939) in view of Vynne et al. (U.S. 5,960,081).

The following table shows the respective provisional filing dates, effective filing dates and application filing dates of the present application and the U.S. patents issued to Vallone et al. and Vynne et al.

	<u>Provisional Filing Date</u>	<u>Effective Filing Date</u>	<u>Application Filing Date</u>
Present Application		June 11, 1999	June 9, 2000
Vallone et al.	May 30, 1999		May 30, 2000
Vynne et al.			June 5, 1997

As described above, the present invention is entitled to an effective filing date of June 11, 1999 by submitting the verified English language translation of the foreign priority document, which fully supports the claims of the present application.

Accordingly, U.S. Patent No. 6,642,939 to Vallone et al. cannot constitute prior art against the present application since the present application has an earlier effective filing date than the May 30, 2000 filing date of U.S. Patent No. 6,642,939.

However, the effective filing date of the present application is after the March 30, 1999 filing date of Provisional Application No. 60/127,178 (hereinafter "provisional application") to which Vallone et al. is related.

Having removed Vallone et al. as prior art against the present application, the Applicants respectfully submit that the present application is clearly patentable over the provisional application and Vynne et al. for the following reasons.

The present invention provides a broadcast data receiving device and method for receiving and outputting broadcast data including a plurality of multimedia data and attribute information. In the present invention, the multimedia data is superposed on a broadcast wave in which management information is generated such that the multimedia data and the attribute information, which is previously included in the broadcast data, are associated with each other.

The present invention also provides that the attribute information is a table of information respectively corresponding to the plurality of multimedia data which are included in the broadcast data. The present invention also provides that management information is created for collectively managing the plurality of multimedia data and the attribute information included in the broadcast data, and that the received multimedia data is managed with reference to the attribute information associated with the management information.

Furthermore, the present invention provides that the plurality of multimedia data and the attribute information are included independently of each other in the broadcast

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data, and that the plurality of multimedia data and the attribute information are kept under management in association with each other.

Claim 32 recites the broadcast data receiving device of the present invention, and claim 37 recites the broadcast data receiving method of the present invention. The device and method of claims 32 and 37 each recite receiving and outputting broadcast data including a plurality of multimedia data and attribute information. Furthermore, claims 32 and 37 each recite that the plurality of multimedia data and the attribute information are included independently of each other in the broadcast data, and that the plurality of multimedia data and the attribute information are kept under management in association with each other, where the attribute information is a table of information respectively corresponding to the plurality of received multimedia data.

Figure 1 and the specification of the provisional application describe a data transmission method for ensuring the consistency of information between a central site database (server database) 100 and a client site database provided in a client system 101.

In particular, the provisional application discloses that data in the server database 100 is divided in an appropriate and partial manner, which is rendered as object data (subset), and is transmitted via a broadcast wave (broadcast transmission 108) or a telephone line (telephony service 111) (see Figure 1). In the client terminal, the transmitted data are collected so as to allow the same database as the one of the server database 100 to be structured.

With reference to the description under the heading “The Database of Television Viewing Information” in the detailed description of the invention section of the provisional application, an “object,” which corresponds to the “multimedia data” of the present application, is described as a data item to be transmitted or collected. With reference to the description under the heading “Basic Television Viewing Object Principles” in the detailed description of the invention section of the provisional application, the provisional application discloses that “television viewing objects are structured as a collection of attributes.” (emphasis added) Accordingly, the provisional application discloses that a part of an “object” is termed an “attribute” and the “object” is a collection of “attributes.”

Accordingly, the provisional application clearly discloses that the “attribute” and the “object” are not included independently of each other in the broadcast wave since an object is a collection of attributes when the object is transmitted from the central server 100 to the client terminals 101.

In stark contrast to the provisional application, claims 32 and 37 each recite that the plurality of multimedia data and the attribute information are included independently of each other in the broadcast data. Clearly, this limitation in claims 32 and 37 cannot be met by any interpretation of the provisional application.

Furthermore, although the use of the term “attribute” is common in both the present application and the provisional application, the meaning attributed to the term “attribute” is different between the present application and the provisional application.

For instance, as illustrated in Figure 2 of the provisional application, the “attribute” contains information associated with an attribute type 201, whereas information corresponding to a data type in the present application is embedded in the “object” (multimedia data).

The Applicants respectfully submit that the attribute type 201 embedded in each “attribute” of an object in the provisional application cannot correspond to the attribute information of the present application, as recited in claims 32 and 37. In order to extract information associated with the attribute type 201 in the provisional application, the object of the provisional application must first be analyzed.

However, the attribute information and the multimedia data (corresponding to the “object” in the provisional application) in the present application are included independently of each other in the broadcast data, thereby enabling the attribute information of the present application to be extracted without analyzing the multimedia data.

For at least the foregoing reasons, the provisional application clearly does not disclose, suggest or even contemplate a broadcast data receiving device or method for receiving and outputting broadcast data including a plurality of multimedia data and attribute information, where the plurality of multimedia data and the attribute information are included independently of each other in the broadcast data, as recited in claims 32 and 37.

Vynne et al. discloses a method and apparatus which extract a digital code from compressed video data. In particular, Table 3.1 of Vynne et al. describes how a table of information is created by extracting signature information from a video frame. However, Vynne et al. discloses that the table information embedded in the video frame is extracted, and therefore, each video frame must first be analyzed to extract the signature information.

On the other hand, claims 32 and 37 each recite that the plurality of multimedia data and the attribute information are included independently of each other in the broadcast data, thereby enabling the attribute information of the present application to be extracted without analyzing the multimedia data.

Accordingly, similar to the provisional application, Vynne et al. also does not disclose or suggest a broadcast data receiving device and method for receiving and outputting broadcast data including a plurality of multimedia data and attribute information, where the plurality of multimedia data and the attribute information are included independently of each other in the broadcast data, as recited in claims 32 and 37.

To establish *prima facie* obviousness of a claimed invention under 35 U.S.C. 103(a), all of the claim limitations must be disclosed or suggested by the applied prior art. See CFMT, Inc. v. YieldUp Int'l Corp., 349 F.3d 1333, 1342, 68 U.S.P.Q.2D 1940, 1946-47 (Fed. Cir. 2003); In re Royka, 490 F.2d 981, 985, 180 U.S.P.Q. 580, 583 (C.C.P.A. 1974).

Therefore, no obvious combination of the provisional application and Vynne et al. would result in the inventions of claims 32 and 37 since the provisional application and Vynne et al., either individually or in combination, clearly fail to disclose or suggest each and every limitation of claims 32 and 37.

Accordingly, the Applicants respectfully submit that claims 32 and 37 are clearly patentable over the provisional application and Vynne et al.

In item 11 on page 7 of the Office Action, claim 35 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Vallone et al. and Vynne et al. in view of "Official Notice." Further, in item 13 on page 8 of the Office Action, claims 38-41 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Vallone et al. and Vynne et al. in view of Shoff et al. (U.S. 6,240,55) and "Official Notice."

As demonstrated above, neither the provisional application nor Vynne et al. disclose or suggest each and every limitation of claims 32 and 37.

Similarly, the Examiner's "Official Notice," including the references used to support the "Official Notice," and Shoff et al., either individually or in combination, do not disclose or suggest a broadcast data receiving device or method for receiving and outputting broadcast data including a plurality of multimedia data and attribute information, where the plurality of multimedia data and the attribute information are included independently of each other in the broadcast data, as recited in claims 32 and 37.

Therefore, the additional applied references and the Examiner's "Official Notice" applied in the rejection of claims 35 and 38-41 do not cure the deficiencies of the provisional application and Vynne et al. for failing to disclose or suggest each and every limitation of claims 32 and 37.

Accordingly, no obvious combination of the provisional application, Vynne et al., Shoff et al. and the Examiner's "Official Notice" would result in the inventions of claims 32 and 37 since the provisional application, Vynne et al., Shoff et al. and the Examiner's "Official Notice," either individually or in combination, clearly fail to disclose or suggest each and every limitation of claims 32 and 37.

Furthermore, it is submitted that the clear distinctions discussed above are such that a person having ordinary skill in the art at the time the invention was made would not have been motivated to modify the applied references in such a manner as to result in, or otherwise render obvious, the present invention as recited in claims 32 and 37.

Therefore, it is submitted that the claims 32 and 37, as well as claims 34-36 and 38-43 which depend therefrom, are clearly allowable over the prior art as applied by the Examiner.

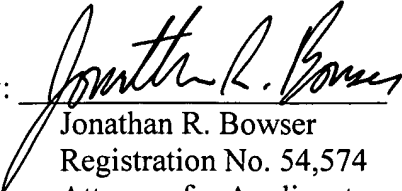
In view of the foregoing amendments and remarks, it is respectfully submitted that the present application is clearly in condition for allowance. An early notice thereof is respectfully solicited.

If, after reviewing this Amendment, the Examiner feels there are any issues remaining which must be resolved before the application can be passed to issue, the Examiner is respectfully requested to contact the undersigned by telephone in order to resolve such issues.

A fee and a Petition for a two-month Extension of Time are filed herewith pursuant to 37 CFR § 1.136(a).

Respectfully submitted,

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